

FINAL MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

March 18, 2006

BOARD MEMBERS PRESENT: Board President Martin Reiss D.O.; Vice-President Stanley Grossman; David Steinway, D.O.; F. P. Wedel, D.O.; Arlene England, D.O.; Andrew Becke

BOARD MEMBERS ABSENT: Murray Cohen, D.O.

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Blair C. Driggs, Assistant Attorney General
Barbara Prah-Wix, D.O., Medical Consultant
Anita Shepherd, Business/License Manager
Beverly Alfson, Administrative Secretary
Thea Johnson, Secretary

AGENDA

1. CALL TO ORDER by President Martin Reiss, D.O. – 8:15 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

Jack Confer took roll call. All Board Members present except for Murray Cohen, D.O.

3. PRESIDENT’S REPORT AND CALL TO THE PUBLIC

A. Welcome to the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University

B. The Board’s custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

The board did not take any action of this item.

5. REVIEW, DISCUSSION, AND ACTION ON CASES MOVED TO FORMAL ADMINISTRATIVE HEARING, PURSUANT TO A.R.S. § 32-1855 (I).

A. Mark L. Griswold, Case 3016M
Dr. Griswold was not present. Blair Driggs was acting as an advocate for the case. Mr. Driggs requested the Board allow him to talk with Dr. Griswold and resolve the case with a Letter of

Concern and move the case back to an Investigative Hearing. Mr. Becke discussed how he would want to speak with Dr. Griswold.

MOTION: Dr. Steinway moved to allow Mr. Driggs to negotiate a resolution with Dr. Griswold and move the case back to Investigative Hearing. Mr. Grossman seconded the motion.

VOTE: The motion passed unanimously.

6. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON REQUESTS AND MOTIONS TO REVIEW A DECISION PURSUANT TO A.A.C. R4-22-106.

A. Michael Dubets, D.O. Case No. 3343 License No. 2589
Dr. Dubets was present and represented by Mr. Bohm. Dr. Dubets was sworn in by the court reporter. Mr. Bohm addressed the Board regarding the request to have the Board review the prior decision of mandating an evaluation at Betty Ford as part of the probation order due to prohibiting a possible probation violation. The Board discussed the matter with Mr. Bohm.

MOTION: Dr. Steinway made a motion to re-open case for discussion of penalties given and revision. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Mr. Becke made a motion to modify the current probation order deleting paragraphs 1 and 2, pertaining to the in-patient evaluation at Betty Ford clinic, and put the physician into the agency's after-care monitoring program. Dr. Wedel seconded the motion.

Mr. Becke modified his order to include a 6 month evaluation before the Board. Dr. Wedel seconded the modification.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4	x				x	x	x
NO	2		x	x				
ABSTAIN								
ABSENT	1				x			

VOTE: Motion passes; 4-2.

7. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. Tedd Goldfinger, D.O. Case No. 3458 License No. 2198

POSTPONED

B. Robert Marouk, D.O. Case No. 3465 License No. 3583
 Dr. Marouk was present with council, Mr. Bohm. Barbara Meyers provided a summary of the case.
 Dr. Marouk was sworn in by the court reporter. There was discussion between Dr. Marouk and the Board. Mr. Bohm addressed the Board.

MOTION: Dr. Steinway moved to DISMISS the case. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

C. Donald Nelson, D.O. Case No. 3447 License No. 2846
 Dr. Nelson was present with council, Mr. Bohm. Barbara Meyers provided a summary of the case.
 Dr. Nelson was sworn in by the court reporter. Dr. Nelson had discussion of the case with the Board.
 Mr. Bohm discussed with the Board, the statutes regarding the physician's responsibility of autopsy.

MOTION: Dr. Steinway moved to DISMISS the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: Motion passed unanimously.

D. Donald Kwasman, D.O. Case No. 3610 License No. 1711

POSTPONED

E. Joseph Tedesco, D.O. Case No. 3424M License No. 2148

POSTPONED

F. James McCartan, D.O. Case No. 3459M License No. 3505

Dr. McCartan was present and sworn in by the court reporter. Dr. Prah provided a summary of the case. Dr. McCartan answered questions from the Board.

MOTION: Dr. Wedel moved to issue a Letter of Concern for (6) failure to recognize an abnormal lab. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	X	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

G. Michael Steingart, D.O. Case No. 3505 License No. 2097

POSTPONED

H. Jason Wolff, D.O. Case No. 3540 License No. 4128
Dr. Wolff and the complainant was present and sworn in by the court reporter. Dr. Prah provided a summary of the report. The Board discussed the case with Dr. Wolff and the complainant.

MOTION: Dr. England moved to DISMISS the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	
NO	0							x
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed; 5-1.

I. Susan Slominski, D.O. Case No. 3439M License No. 2848
Dr. Slominski was present with attorney and Physician Assistant. Dr. Slominsky was sworn in by the court reporter. The Board discussed the case with Dr. Slominsky.

MOTION: Dr. Steinway moved to issue a Letter of Concern for failure to document (34). Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: Motion passed unanimously.

J. Charles Knouse, D.O. Case No. 3515 License No. 4079
Dr. Knouse was not present due to his choice not to appear. The complainant was present was additional information to share with the Board.

MOTION: Dr. Steinway moved to take the case back to a case review.

There was further discussion regarding the legalities and information that the Board was wanting to obtain and their need of wanting to talk with Dr. Knouse.

Dr. Steinway retracted his motion.

MOTION: Mr. Becke moved for a Formal Administrative Hearing based on 1854 (31) (26) (36).

VOTE: Motion passed unanimously.

8. REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. Gary R. Forsberg, D.O. License No. 2791 Termination of Probation

Beverly Alfson addressed the Board regarding the request of termination of Dr. Forsberg's probation.

MOTION: Dr. Wedel moved to Terminate the probation. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

9. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

A. Steven Locnikar, D.O. Case No. 3537 License No. 2669

MOTION: Dr. Steinway moved to DISMISS the case without prejudice. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

B. Steven Locnikar, D.O. Case No. 3538 License No. 2669

MOTION: Dr. Steinway moved to DISMISS the case without prejudice. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

C. David Bennett, D.O. Case No. 3496A License No. 3809

The complainant was present. The Board discussed the matter with the complainant.

MOTION: Dr. Steinway moved to DISMISS the case. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

D. A. Clark Ruttinger, D.O. Case No. 3496B License No. 2607

MOTION: Dr. Steinway moved to DISMISS the case. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

E. Ronald Bitza, D.O. Case No. 3507 License No. 1370

The complainant was present. Dr. Prah provided a summary of the case. The complainant discussed the case with the Board.

MOTION: Dr. Steinway moved to hold an Investigative Hearing on the case. Mr. Becke seconded the motion.

VOTE: The motion failed; 2-4.

MOTION: Dr. Wedel moved to Dismiss the case. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4	x	x	x			x	
NO	2					x		x
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed; 4-2.

F. Vincente Bernabe, D.O. Case No. 3386 License No. 3406

Based on the recommendation of three reviewers:

MOTION: Mr. Grossman moved for an Investigative Hearing. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

G. Vincente Bernabe, D.O. Case No. 3441 License No. 3406

Based on the recommendation of three reviewers:

MOTION: Dr. Steinway moved for an Investigative Hearing. Dr. Wedel seconded the motion.

VOTE: The motion passed unanimously.

H. Debra Gulyanics, D.O. Case No. 3466 License No. 3054

Dr. Gulyanics was present with legal council. The complainant was present. The Board discussed the case with all parties present.

MOTION: Dr. Wedel moved to DISMISS the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4	x	x				x	x
NO	2			x		x		
ABSTAIN								
ABSENT	1				x			

VOTE: Motion passed; 4-2.

I. Wesley Ringering, D.O. Case No. 3196 License No. 1792

MOTION: Mr. Becke moved for DISMISSAL without prejudice. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

J. Howard Robinson, D.O. Case No. 3435 License No. 3319

Based on the recommendation of three reviewers:

MOTION: Mr. Grossman moved to DISMISS the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

K. Lori Loreman, D.O. Case No. 3604 License No. 3782

The complainant was present and addressed the Board.

MOTION: Dr. Steinway moved to DISMISS the case. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

L. Douglas Bobb, D.O. Case No. 3514 License No. 1990

Based on the recommendation of three reviewers:

MOTION: Dr. Steinway moved to DISMISS the case. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

M. John Weidner, D.O. Case No. 3613 License No. 4035

Based on the recommendation of three reviewers:

MOTION: Dr. Wedel moved to DISMISS the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

N. Robert Michaud, D.O. Case No. 3617 License No. 2045

The complainant was present. The Board discussed the case with the complainant.

MOTION: Mr. Becke moved to DISMISS the case. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

The Board directed staff to refer the case to the Nursing Board.

O. Regina Harmon, D.O. Case No. 3575 License No. 0972

Based on the recommendation of three reviewers:

MOTION: Dr. Steinway moved to DISMISS the case without prejudice. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: Motion passed unanimously.

P. K. Talmage Lewis, D.O. Case No. 3516 License No. 3462

Based on the recommendation of three reviewers:

MOTION: Dr. Steinway moved to DISMISS the case. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

Q. Marc Register, D.O. Case No. 3476 License No. 2902

Based on the recommendation of three reviewers:

MOTION: Dr. Steinway moved to DISMISS the case. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

R. Andrea Schindler, D.O. Case No. 3350M License No. 2759

Dr. Schindler was present and discussed the case with the Board.

MOTION: Dr. Steinway moved to DISMISS the case. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

S. Teresa Borchers, D.O. Case No. 3583 License No. 3681

The complainant was present and addressed the Board.

MOTION: Dr. Steinway moved to DISMISS the case. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

Based on the recommendation of three reviewers:

MOTION: Mr. Becke moved to DISMISS the case. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

VOTE: The motion passed unanimously.

Based on the recommendation of three reviewers:

MOTION: Dr. Steinway moved to DISMISS the case. Dr. Wedel seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	x	x	x		x	x	x
NO	0							
ABSTAIN								
ABSENT	1				x			

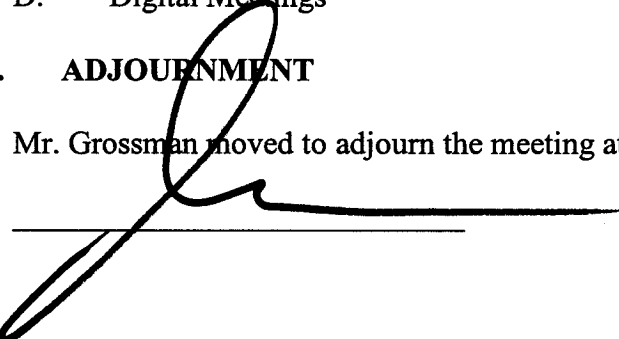
VOTE: The motion passed unanimously.

10. EXECUTIVE DIRECTOR REPORT

- A. Statistics
- B. Budget
- C. Rules
- D. Digital Meetings

11. ADJOURNMENT

Mr. Grossman moved to adjourn the meeting at 2:34pm.



5-22-06